

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DOMINION CITRUS, LTD., et al :
: **CIVIL ACTION**
:
v. : **NO. 07-cv-0672 (JJF)**
:
:
M/V ATLANTIC HOPE, et al :

JOINT PROPOSED RULE 16 SCHEDULING ORDER

The Parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. Pre-Discovery Disclosures.

The parties will exchange by April 30, 2008 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.1.

2. Joinder of Other Parties.

All motions to join other parties shall be filed on or before May 30, 2008.

3. Settlement Conference.

Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge _____

for the purposes of exploring settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact the Magistrate Judge to schedule a settlement conference so as to be completed no later than the Pre-Trial Conference or a date so ordered by the Court.

4. **Discovery.**

(A) Exchange and completion of interrogatories, identification of all fact

witnesses and document production shall be commenced so as to be completed by August 1, 2008.

(B) Maximum of 30 interrogatories by each party to any other party.

(C) Maximum of 25 requests for admission by each party to any other party.

(D) Maximum of 12 depositions by plaintiffs and 12 depositions by each defendant. Depositions shall not commence until the discovery required by Paragraphs 4 (A, B, and C) are completed.

(E) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due from the plaintiffs by December 31, 2008.

(F) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due from the defendants by January 31, 2009.

(G) Expert reports submitted in response to those submitted by experts retained by defendant are due from the plaintiff or another defendant by March 2, 2009.

(H) Any party desiring to depose an expert witness shall notice and complete said deposition no later than sixty (60) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

5. Non-Case Dispositive Motions.

(A) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with Federal and Local Rules, and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion day on which it is to be heard. Available motion days will be posted on the Court's website at:

<http://www.ded.uscourts.gov/JJFmain.htm>

(B) At the motion hearing, each side will be allocated ten (10) minutes to argue and respond to questions from the Court.

(C) Upon filing the Notice of motion, a copy of said Notice shall be sent to Chambers by email at: jjf_civil@ded.uscourts.gov .

6. Amendment of Pleadings.

All motions to amend the pleadings shall be filed on or before June 15, 2008.

7. Case Dispositive Motions.

Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before March 15, 2009. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than 10 days from the above date without leave of the Court. It is understood that certain defendants intend to file threshold motions to dismiss well in advance of this deadline.

8. Applications by Motion.

(A) Any application to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure (Amended Effective June 30, 2007). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's February 1, 2008 Order on procedure for filing non-dispositive motions in non-patent cases (*pro se* cases excluded). Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(B) No facsimile transmissions will be accepted.

(C) No telephone calls shall be made to Chambers.

(D) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at jif_civil@ded.uscourts.gov. The email shall provide a short statement describing the emergency.

9. Pretrial Conference and Trial.

After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held

within sixty (60) to ninety (90) days of the Pretrial Conference.

Date

United States District Judge

PALMER
Attorneys at Law

PHILADELPHIA | NEW JERSEY | NEW YORK | DELAWARE | MARYLAND

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Partner

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April 9, 2008

Via Federal Express & Electronic Filing

The Honorable Joseph J. Farnan, Jr.
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Lockbox 27
Wilmington, DE 19801

Re: **Dominion Citrus, Ltd. vs. M/V ATLANTIC HOPE**
No. 07-cv-672-JJF
Our File No. 4578-238

Dear Judge Farnan:

On behalf of all parties to the captioned action we enclose for Your Honor's consideration a Joint Proposed F.R.C.P.16 Scheduling Order in this matter.

It should be noted that the parties made some changes to the form order at paragraph 4 (E) - (G) and paragraph 7, to address specific issues in this case.

Your Honor's consideration of this joint request is most sincerely appreciated by counsel for all parties.

Respectfully,

PALMER BIEZUP & HENDERSON LLP

By: 
Michael B. McCauley

cc w/enclosures:

Stephen J. Galati, Esq. (Via email)
Lee C. Goldstein, Esq. (Via Email)
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